

**ASSESSMENT APPEALS BOARD MINUTES
COUNTY OF SAN LUIS OBISPO
STATE OF CALIFORNIA**

Friday, March 20, 1998

The Assessment Appeals Board of the County of San Luis Obispo, State of California, met in regular adjourned session at 9:00 o'clock A.M., in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California.

PRESENT: Appeals Board Members Mr. Tom Neve, Mr. Kem Weber, and Mr. Harry Yasumoto

ABSENT: Appeals Board Member None

Mr. Ed Olpin, Deputy County Counsel, is present and represents the Assessment Appeals Board.

The Clerk calls the meeting to order and calls for nominations for Acting Chair of this meeting. **Thereafter, on motion of Mr. Neve, seconded by Mr. Weber and unanimously carried, Mr. Yasumoto is nominated as Acting Chair for this meeting.**

Mr. Yasumoto introduces new Board member Mr. Kem Weber.

Mr. Rod Hallin, Mr. Dave Gleason, Mr. Mark Connelly, Ms. Ingrid Warren, Ms. Barbara Edgington, and Ms. Linda Trahey, Deputy Assessor, are present and sworn.

This being the time set for members of the public wishing to address the Board on items not set on the Agenda. Acting Chairperson Yasumoto opens the floor without response.

MR. DICK FRANK, ASSESSOR, IS NOW PRESENT AND SWORN.

Application No. 1992-52, Elinore Diefenderfer, APN #001,023,037, is presented. Mr. Fred Glick, Attorney for Ms. Diefenderfer, is present. Mr. Frank presents a stipulation agreed to by himself and the Applicant, and asks the Board to approve the stipulation and authorize the Chairperson to sign same. **Thereafter, on motion of Mr. Neve, seconded by Mr. Weber and unanimously carried, the Board approves the stipulation as presented and authorizes the Chairperson to sign same.**

Application No. 1997-168, Mediq, Inc., APN #800,016,102, is brought back on for hearing (continued from January 23, 1998). Mr. Warren Thefeld, Agent, is present and sworn. Mr. Frank and Mr. Hallin remind the Board of their previous direction, that each party submit their opinions to County Counsel. Mr. Thefeld states he has requested an opinion from the State Board of Equalization but has not received a response and asks for a continuance. **Matter is fully discussed, and thereafter, on motion of Mr. Weber, seconded by Mr. Neve and unanimously carried, Application No. 1997-168, Mediq, Inc., is continued to a date to be set by the Clerk and the Assessor.**

Application No. 1997-9, DeSimoni Investors, APN #052,162,016 and 052,162,017, is brought back on for hearing (continued from October 24, 1997). Mr. Ed Gingrich, representing DeSimoni, is present and is reminded that he is still under oath. Ms. Warren presents the Assessor's case and recommends the Board hold the roll values for the 1997-98 Supplemental Assessment on APN # 052,162,016 as follows: the full value of the land at \$3,276,829, the full value of the improvements at \$4,097,290 for a total value of \$7,364,119; and on APN #052,162,017 the values are: land at \$210,185, improvements at \$485,020, for a total value of \$695,205. Discussion regarding the use of current market rents and net operating income occurs. Mr Olpin states the *Dennis* court case does apply, which states that current market rents must be used. Ms. Edgington presents **Assessor's Exhibit D - Letters to and from the Applicant.** Discussion regarding the leases, contract and market rents, and cap rates occurs. **Matter is fully discussed and thereafter, on motion of Mr. Weber, seconded by Mr. Neve and unanimously carried on, Application No. 1997-9, DeSimoni Investors, as of July 16, 1996, the full value of both APN # 052,162,016 and 052,162,017 is \$7,000,000. On motion of Mr. Neve, seconded by Mr. Weber, and unanimously carried on, Application No. 1997-9, DeSimoni Investors, as of January 1, 1997, the full value of both APN # 052,162,016 and 052,162,017 is \$7,000,000. The Assessor will**

bring back the designated values for land and improvements on each parcel for the Board's final approval at the April 24, 1998 meeting. The Applicant and the Assessor waive Findings of Fact.

Application No. 1997-143, Valencia Investors, APN #040,289,013, is presented. Mr. Daniel Weednoff, Mr. David Middleton, Agent, and Ms. Linda Turney, Court Reporter, are all present and sworn. Mr. Weednoff requests Findings of Fact. Mr. Connelly presents the Assessor's case, recommends the Board hold the current roll values for the 1997-98 Regular Roll year on APN # 040,289,013 as follows: the full value of the land at \$188,368, the full value of the improvements at \$1,911,632, for a total value of \$2,100,000; states this is a Proposition 8 value with a base year of March 1981; if the property was at the current base the values would be land at \$200,510, improvements at \$2,940,879, for a total value of \$3,141,389, indicates the Applicant is contesting the Proposition 8 value. Discussion regarding continuances occurs, with the Applicant stating they do not wish to present their case if the Assessor will be granted a continuance once they've completed their presentation. **Applicant's Exhibit A - Letter from Assessor and Valencia's Letter of Response**, is presented. Discussion regarding an exchange of information occurs. Mr. Frank indicates they just recently found out that a portion of this property is under a governmental program for 515 Housing; requests a copy of the agreement for the 515 Housing program and the percentage of property involved in the program; income/expense reports for the last 3-4 years; rent schedules; further indicates based on the information they receive on the 515 Housing, he may want an opinion from the State Board of Equalization. Acting Chairperson Yasumoto directs that each side give the other a list of information they want and that the applicant submit their information by April 15, 1998 but not later than April 30, 1998 to the Assessor; the Assessor will then respond within 60 days and have this matter back to the Board, within 60 days of their response. Further, both sides are to submit copies of their information to County Counsel. **Thereafter, on motion of Mr. Neve, seconded by Mr. Weber, Application 1997-143, Valencia Investors is continued to a date to be set by the Clerk and the Assessor.**

Application No. 1997-129, Property Development Associates, APN #030,081,016, is presented. The Applicant is not present. **Thereafter, on motion of Mr. Neve, seconded by Mr. Weber and unanimously carried, Application 1997-129, Property Development Associates is denied for non-appearance.**

On motion duly made and unanimously carried, the Assessment Appeals Board of the County of San Luis Obispo, State of California, does now adjourn to Friday, April 24, 1998 at 9:00 o'clock a.m. in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California.

Acting Chairperson

ATTEST:

JULIE L. RODEWALD, County Clerk-Recorder
and Ex-Officio Clerk of the Assessment Appeals Board

By:

Deputy Clerk-Recorder

cmc